

**Plaintiffs' Memorandum in Opposition
to Joint Motion for Summary
Judgment for Failure to Prove Fault
Element of Public Nuisance Claims**

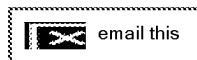
Ex 30 – ABDCMDL07354362-364

From: Gundy, Bruce
Sent: Mon, 19 Jan 2009 13:01:04 -0500 (EST)
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Subject: FW: [RxNews] Rx drug overdoses termed "epidemic" in W Va
Attachments: ATT42230.txt

FYI
 Bruce

From: rxnews-bounces+bgundy=amerisourcebergen.com@listserve.com [mailto:rxnews-bounces+bgundy=amerisourcebergen.com@listserve.com] **On Behalf Of** MudriAssociates@aol.com
Sent: Monday, January 19, 2009 9:47 AM
To: rxnews@listserve.com
Subject: [RxNews] Rx drug overdoses termed "epidemic" in W Va

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Prescription drug overdoses termed 'epidemic' in W.Va.

By Amelia A. Pridemore
 Register-Herald Reporter

West Virginia tops the nation in per capita prescription drug overdoses, and police believe even more people will become addicted — and die — if the problem does not stop.

"We have to do this in education and in the home, from the pulpit and to the street," said Ron Booker, coordinator of the TRIDENT drug task force that operates in Raleigh and Fayette counties. "It's an epidemic, and it's the worst in West Virginia. It's going to take our communities to stop it."

According to 2007 congressional testimony from Leonard J. Paulozzi, a medical epidemiologist for the Centers for Disease Control and Prevention, West Virginia had the highest fatal and unintentional drug overdose rate in the nation — 16.7 per 100,000 population — during 2004.

The state medical examiner's office reported 2,758 overdose deaths between 2001 and 2007, according to statistics provided by Booker. Suicides were excluded in those numbers. The vast majority of people who died used a combination of different drugs.

More than 600 died in 2007 alone, Booker noted.

"If more than 600 people died from murders, I'm sure every household would be discussing prevention," he said. "People would be talking about environments, how not to be shot and prevention measures. Law enforcement would increase their activities.

"People are selling more prescription drugs than illegal drugs like cocaine and marijuana. The demand is now astronomical."

Chemical dependency, in general, often results from stress, Booker said. But when looking for some type of chemical that will supposedly relieve that stress, people are finding prescription drugs more convenient than ones illegal in all cases, like cocaine. Some will fake injuries and get a valid prescription from a physician. With that valid prescription, carrying that medication is legal.

The increased demand is so great that many people who are legally prescribed such medication — for whatever reason — are selling their medications to supplement their incomes, Booker said.

When the medications are taken as directed and by people who truly need them, Booker finds nothing wrong. The problem is when they are clearly being abused and possibly by people who have untreated mood disorders. The national economic downturn could cause even more people to suffer anxiety and depression.

Booker said the number of drug treatment centers and/or mental health facilities is low in the state. Further aggravating the problem is that so many people do not have health insurance or cannot afford co-payments if they have it.

"That's when they self-medicate on their own," he said. "A lot goes back to health insurance and the fact that so many people can't afford it. I've never encountered an addict that didn't want help at some point. But they're often in a financial crisis. They can't afford health care and they can't take care of their problem."

Detective Lt. Gant Montgomery, field supervisor of the Beckley Police Department's Narcotics Enforcement Division, agrees the prescription drug problem is huge — even to the point where it has almost overtaken one of the city's most notorious drug trades.

"Over the last several years, it has almost reached the point of overtaking our cocaine problem," he said. "For years, it has run neck-and-neck. We get calls from individuals about prescription drugs every day.

"It's a sad situation. The elderly, people with cancer, people with terrible injuries — those are the purposes for these types of drugs. But it looks like once people found out these drugs were available, it was about profit margin. You have addicts selling some of their pills to support their habits. It's profit. It's all about money."

While he emphasized it was not true of everyone in the medical profession, Montgomery said some physicians likely prescribe "hard-core" medications too often and sometimes for people who do not need them.

"Some of them probably don't understand what they're doing to society," he said. "They're dispensing it like candy. I can see where it may be a difficult situation. You have people with legitimate injuries.

"But you also have someone saying their back hurts, and it's, 'OK, here's your OxyContin, Lortabs or Percocets,' without really doing much. Some of the doctors probably aren't taking a lot into account."

Montgomery also noted several people police encounter had a legitimate injury but later found themselves addicted to the drugs they were prescribed for that injury.

"It happens to good people," he said. "It's a sad state of affairs."

The consequences will be dire if something is not done to correct the problem, Booker warned. Almost all crimes are tied to drug use, such as people stealing to support their addictions or robbing pharmacies. Prescription drug abuse is a public safety issue with which everyone should be concerned.

"This is truly the basis for crime in America, particularly West Virginia," he said. "Most people in prison were addicted to a substance, committing crimes to get money to feed their addictions.

"They're rationalizing their crimes. They have ability to make money from the items sold. They may steal mining supplies or ATVs — anything they know will get them money to feed their addictions."

Booker said curbing the problem takes everyone, particularly government officials. With more government-funded treatment facilities, people will have a shorter wait time when trying to get help.

"They wouldn't have to wait six to nine months to receive treatment," he said. "That keeps a person in the (drug) culture longer."

A three-pronged solution needs to be in place to curb the problem, Booker believes. The first part is reducing demand with investigations and arrests. The second is prevention and awareness — teaching people about the dangers of prescription drugs, the dangers of mixing them with substances like alcohol and how their lives could be outright destroyed. The final part is rehabilitating those who already have a problem. Those people need to learn how they fell into a destructive pattern, what to do to stop using and how to change their environments — a large factor in recovery success rates.

Booker noted he is also a strong advocate of drug courts and day report centers.

Also, law enforcement must take a proactive role with public education, which should start during middle school years, Booker said.

Forty-six percent of people who improperly obtain prescription drugs get them — in various ways — from friends and family, Booker noted. He urged people who take prescription drugs to lock up their medications and destroy all unused medications by flushing them down the toilet.

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